

### REMARKS

This application has been carefully reviewed in light of the Office Action dated July 21, 2009. Claims 1, 4 to 7, 10 to 13 and 16 to 18 remain in the application, of which Claims 1, 7 and 13 are independent. Reconsideration and further examination are respectfully requested.

The specification has been amended to include a more thorough summary of the invention. Specifically, the summary has been amended to include an representative embodiment of an independent claim. No new matter has been added.

In the Office Action, independent Claims 1, 7 and 13 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,961,137 (Tamura) in view of U.S. Publication No. 2003/0164986 (Boire-Lavigne). The dependent claims were rejected as follows: Claims 4, 10 and 16 were rejected under § 103(a) over Tamura in view of Boire-Lavigne and further in view of U.S. Publication No. 2003/0026400 (Bashoura), Claims 5, 11, and 17 were rejected under § 103(a) over Tamura in view of Boire-Lavigne and further in view of U.S. Publication No. 2002/0001302 (Pickett), and Claims 6, 12 and 18 were rejected under § 103(a) over Tamura in view of Boire-Lavigne and further in view of U.S. Publication No. 2004/0001221 (McCallum). Reconsideration and withdrawal of the rejections are respectfully requested.

The claims have been amended to clarify the embodiment of the invention. Specifically, the claims have been amended to be more specifically directed to the second embodiment of the invention described with regard to Figs. 10 et seq. Thus, the communication apparatus of the invention performs facsimile communication, and if the receiving device is not able to transmit/receive data on the IP network via the

predetermined file transmit/receive protocol, the facsimile data is converted to VoIP data that is then transmitted via the IP network without using a line switching network.

Referring specifically to the claims, amended independent Claim 1 is directed to a communication apparatus which includes IP (Internet Protocol) communication means and transmits/receives communication data to/from a destination station discriminated by a telephone number, comprising IP address obtaining means for obtaining an IP address of the destination station from an SIP (Session Initiation Protocol) proxy server based on the telephone number of the destination station, facsimile communication means for performing facsimile communication to/from the destination station, converting means for converting a signal received/transmitted from/to the facsimile communication means without via a line switching network, into VoIP (Voice over Internet Protocol) data on an IP network, IP network connecting means for connecting to the IP network, and control means for controlling to, if the destination station is able to transmit/receive communication data on the IP network based on a predetermined file transmit/receive protocol, start to transmit/receive image data to/from the destination station based on the predetermined file transmit/receive protocol, via the IP network connecting means without via the line switching network, using the obtained IP address of the destination station, in response to the acquirement of the IP address by the IP address obtaining means, and if the destination station is not able to transmit/receive communication data on the IP network based on the predetermined file transmit/receive protocol, cause the facsimile communication means to start transmission/reception of image data to/from the destination station, causing the converting means to execute conversion of the signal that the facsimile communication means transmits/receives to the

VoIP data to transmit/receive, without via the line switching network, thus converted signal to/from the destination station via the IP network connecting means, in response to the acquirement of the IP address of the destination station by the IP address obtaining means.

Claims 7 and 13 are method and computer medium claims, respectively, that substantially correspond to Claim 1.

The applied art, alone or in any permissible combination, is not seen to disclose or to suggest the features of the invention, and in particular, is not seen to disclose or to suggest at least the features of, a communication apparatus having a control unit that controls to, if the destination station is not able to transmit/receive communication data on the IP network based on the predetermined file transmit/receive protocol, cause the facsimile communication means to start transmission/reception of image data to/from the destination station, causing the converting means to execute conversion of the signal that the facsimile communication means transmits/receives to the VoIP data to transmit/receive, without via the line switching network, thus converted signal to/from the destination station via the IP network connecting means, in response to the acquirement of the IP address of the destination station by the IP address obtaining means.

Boire-Lavigne is seen to disclose that a facsimile communication apparatus and a VoIP gateway communicate with each other via a line switching network (PSTN). In this reference, when the facsimile communication apparatus communicates with a destination station using a VoIP network (IP Network), the line switching network (PSTN) is used, so that a phone line charge for using the line switching network is required.

In contrast, the present invention has a configuration that the converting means and the facsimile communication means transmit/receive to/from each other without

via a line switching network (PSTN). Accordingly, no line switching network (PSTN) is used when the communication apparatus communicates with a destination station. Thus, a phone line charge for using the line switching network is not required. Further, in the present invention, in either a case where communication is conducted via an IP network using a file transfer protocol or a case where VoIP data is communicated via an IP network, communication with a destination station can be conducted without using the line switching network (PSTN). Accordingly, a phone line charge for using the line switching network is not required.

Thus, Boire-Lavigne is not seen to teach at least the features of the invention, and in particular, is not seen to disclose or to suggest at least the features of, a communication apparatus having a control unit that controls to, if the destination station is not able to transmit/receive communication data on the IP network based on the predetermined file transmit/receive protocol, cause the facsimile communication means to start transmission/reception of image data to/from the destination station, causing the converting means to execute conversion of the signal that the facsimile communication means transmits/receives to the VoIP data to transmit/receive, without via the line switching network, thus converted signal to/from the destination station via the IP network connecting means, in response to the acquirement of the IP address of the destination station by the IP address obtaining means.

In Tamura, when a communication apparatus conducts data communication with a destination apparatus, whether the communication is performed via a computer network or it is performed via a line switching network (PSTN) is determined. If the line switching network is determined, a phone line charge for employing the line switching

network is required. Thus, Tamura is not seen to teach anything that, in combination with Boire-Lavigne, would have resulted in at least the features of the invention, and in particular, is not seen to disclose or to suggest at least the features of, a communication apparatus having a control unit that controls to, if the destination station is not able to transmit/receive communication data on the IP network based on the predetermined file transmit/receive protocol, cause the facsimile communication means to start transmission/reception of image data to/from the destination station, causing the converting means to execute conversion of the signal that the facsimile communication means transmits/receives to the VoIP data to transmit/receive, without via the line switching network, thus converted signal to/from the destination station via the IP network connecting means, in response to the acquirement of the IP address of the destination station by the IP address obtaining means.

Bashoura, Pickett and McCallum have been studied but none of those references are seen to teach anything that, when combined with Boire-Lavigne and/or Tamura in any combination, would have resulted in at least the features of, a communication apparatus having a control unit that controls to, if the destination station is not able to transmit/receive communication data on the IP network based on the predetermined file transmit/receive protocol, cause the facsimile communication means to start transmission/reception of image data to/from the destination station, causing the converting means to execute conversion of the signal that the facsimile communication means transmits/receives to the VoIP data to transmit/receive, without via the line switching network, thus converted signal to/from the destination station via the IP network

connecting means, in response to the acquirement of the IP address of the destination station by the IP address obtaining means.

In view of the foregoing amendments and remarks, amended independent Claims 1, 7 and 13, as well as the claims dependent therefrom, are believed to be allowable.

No other matters having been raised, the entire application is believe to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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